Reasons. Actually the use of riot control agents is also banned under this Convention. It means tear-gas will be banned in this country. Tear-gas is used by the police.

SHRI S.S. BARNALA: Madam, riot control agents when used as a method of warfere are prohibited. For example, if tear-gas is in a concentrated form, it can be used as a weapon in a war. It is mentioned here that riot control agents as a method of warfare are prohibited.

SHRI NARENDRA MOHAN (Uttar Pradesh): Madam, I would like to seek one clarification from the hon. Minister. The Government of India threw open its chemical weapon stocks for inspection in 1997. India also submitted a list of chemical weapons to the concerned authorities. I would like to know whether Pakistan and China also have thrown open their stocks of chemical weapons for inspection. I would like to know whether these countries have disclosed their stockpiles of chemical weapons.

SHRI S.S. BARNALA: Madam, I need a separate notice for this question. Then only I will be able to answer it. Right now I am not in a position to answer this question.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): The question is:

"That the Bill to give effect to the Convention on the Prohibition of the Development, Production, Stockpiling, and use of Chemical Weapons and on their destruction and to privide for matters connected therewith or incidental thereto, be taken into consideration."

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause 4 was added to the Bill.

Clauses 5 to 12 were added to the Bill.

Clauses 13 to 53 and the Schedule were added to the Bill.

Clause 1 (Short Title, extent, application and commencement)

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): I shall now take up Clause 1 for consideration. There is one amendment by the Minister.

SHRI S.S. BARNALA: Madam, I move;

"That at page 1, line 1, *for* the word "Forty-eighth" the word "Forty-ninth" be *substituted.*"

The question was put and the motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The Preamble and the Title were added to the Bill.

SHRI S.S. BARNALA: Madam, I move:

"That the Bill, as amended, be passed."

The question was put and the motion was adopted.

I. STATUTORY RESOLUTION SEEKING DISAPPROVAL OF THE REPRESENTATION OF THE PEOPLE (AMENDMENT) ORDINANCE, 1998

II. THE REPRESENTATION OF THE PEOPLE (AMENDMDNT) BILL, 1998

SHRI J. CHITHARANJAN (Kerala): Madam, I move:

"That this House disapproves of the Representation of the People (Amendment) Ordinance, 1998 (No. 12 of 1998) promulgated by the President on the 24th April 1998."

Madam the Representation of the People (Amendment) Ordinance 1998 is being moved when there are so many other important amendments which are to be taken up. But even though those issues were there, now in this particular Bill only this particular amendment has been taken up. In the same way, all of us knew that election reforms was being discussed for a long time by the various parties in joint meetings. Even though everybody is of the opinion that election

reforms will have be taken up and the Election Reforms Bill has to be introduced and passed, the issues relating to that also have not come up before the House so far. In the elections, one of the most important things that all of us are concerned about is the growing influence of the muscle power and the money power in the elections. Even in the last elections, in so many constituencies, say in hundreds of booths, elections had to be re-held. It happened due to so many reasons. Firstly, in several places, booths had been captured by muscle-men. In some places, the ballot boxes had been taken away. In some other places, there was violence and as a result of that in a very large number of constituencies re-polling had to be conducted in the last elections. Therefore, that shows that use of muscle power in elections is assuming wider proportions. In the same way, the use of money power is quite evident in the election campaign. All of us knew that there are certain amounts fixed and only that much of amount must be expended by the candidates either for the Assembly elections or for constesting for Parliament. But in fact, very huge amounts have been spent by several candidates in various constituences. There are also reports that the voters are being paid money, they are being purchased. Threfore, it is highly necessary that we should take some measures or make some legal gurantee so that these things are efectively prevented. In the same way, there are so many other issues that are to be taken up. Therefore, my main objection is, it shall not be confined to this particular amendment alone. This particular amendment might have been necessary at the time of the last elections. But now when we are considering this, all the other issues, the election reforms and also the various amendments to the Representation of the People Act will have to be taken up. That is why I say that this Bill has to disapproved. Thank you.

5.00 P.M.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI M. THAMBI DURAI): Madam, I beg to move:

> "That the Representation of the People (Amendment) Bill, 1998 be taken up for consideration."

Madam, under clause (6) of article 324 of the Constitution, the President or the Governor of a State is required to make available to the Election Commission such staff, as may be necessary, for the discharge of his function. Further, under section 159 of the Representation of the People Act, 1951, the employees of the local authorities can be requisitioned for election duties.

[The Vice-Chairman (Shri Triloki Nath Chaturvedi) in the Chair]

Though under the statutory provisions, apart from Government employees, only employees of local bodies could be requisitioned for election duties, upto February 1995, employees of banks, public sector undertakings and statutory bodies aided by the Government were requisitioned for election duties. Some time back, the State Bank of India Staff Association, Patna, & Others and Northern Zone Insurance Employees Association, Rajasthan, challenged requisitioning of services of bank and insurance employees for election duties and the hon'ble Supreme Court of India vide its Judgement dated 7.2.1995 held that, as per statutory provisions, only services of Government employees and employees of local authorities can be requisitioned for election duties and, accordingly, the employees of the bank and insurance cannot be requisitioned for election duties.

Sir, in view of the aforesaid Judgement of the hon'ble Supreme Court, the Election Commission of India was facing great difficulty in deploying requisite number of employees for election duties especially as a very large number of employees are drafted and deployed on election duties as Presiding Officers, Polling Officers, Counting Officials, etc. An idea about the enormity of the requirements of staff for general elections

to the House of the People can be had from the fact that to man nearly eight lakh polling stations in the recently concluded Lok Sabha elections, around 40 lakh polling personnel were needed.

The Election Commission of India, accordingly, requested that section 159 of the Representation of the People Act, 1951 may be amended to provide that, in addition to local authorities, all public sector undertakings of the Central Government and State Governments, all statutory and non-statutory bodies aided by the Government, all universities and all other educational institutions aided by the Government should also make their staff available for election duties.

In the wake of general elections to the Twelfth Lok Sabha, the President promulgated an ordinance, namely, the Representation of the People (Amendment) Ordinance, 1997 on 23rd December, 1997 to provide for requisitioning of services for election work of employees of, apart from local authorities, every university and any other institution, concern or undertaking controlled, or financed wholly or substantially by funds provided, directly or indirectly, by the Central Government or a State Government. The employees of statutory bodies and companies were, however, exempted by the Ordinance from being requisitioned for election duties. The aforesaid Ordinance was repromulgated on the 24th April, 1998 to give continued effect to the provisions of the aforesaid 1997 Ordinance and to avoid any difficulty to the Election Commission in holding elections in the interregnum.

Sir, the Government have since decided that, apart from the categories of employees brought under the ambit of section 159 of the Representation of the People Act, 1951 by the aforesaid Ordinance, employees of public sector enterprises, etc., should also be brought under the ambit of that section so as to ensure easy availability of staff for election duties at all places. This would also avoid unnecessary burden on any organisation to spare a large number of its employees for election duties.

I am sure that honourable Members would agree with me that the measures proposed in the Bill are necessary to ensure deployment of requisite number of staff for election duties and I am confident that the Bill would receive support from all sections of the House.

Sir, I commend the Bill for the consideration of the House.

The questions were proposed.

SHRI H. HANUMANTHAPPA (Karnataka): Mr. Vice-Chairman, Sir, I am being persuaded to support this Bill. The purpose of the Ordinance is over; the elections are over. You have already promised the Electoral Reforms Bill when we will have an opportunity to consider the whole gamut of elections as well as the Representation of the People Act. It may not stop only by the requisition of the staff. We may have to go further deep looking into the Representation of the People Act and also the electoral laws that are in practice. The Government has promised that the Electoral Reforms Bill will be coming very shortly. I asked the hon. Minister as to why he is pressing for this Bill at all. We don't have immediate elections and the whole gamut of elections is being discussed by the Parliament and there will be very many suggestions. Why doesn't the Government think of not pressing this Bill at all? No purpose will be served by passing this Bill. If tomorrow the Parliament discusses the whole election processes and comes to a different conclusion or a different decision in appointment of staff also, then there should be an opportunity open. Even by passing this Bill, it does not bar to nullify it further if the Parliament wants. But, when you are bringing a comprehensive Electoral Reforms Bill before the Parliament, there is no urgency for this Ordinance to be converted into a Bill. Why don't you think of withdrawing it

for the time being? At the same time, the whole gamut of election laws should be reviewed. This is number one. My second objection is this: You are widening the net of the staff that is required for the elections, including aided institutions, educational institutions. There are educational institutions and NGOs in this country even though they receive governmental aid, but they are working for different purposes and they are loyal to different political parties. Why should we allow those employees also to take part in elections? It is a moot question. Why are the Government employees requisitioned here? It is because they are the Government employees and whichever Government comes they will do what the Government asks them to do. But the NGOs, aided institutions, private organisations which get government assistance, are not above party lines. They are affiliated to some parties or the other. Is it wise to involve them in the electoral process? This is a moot question to be thought of. As far as the local bodies are concerned, the Government can get that staff as and when necessary. That is why I requested the Government to withdraw this Bill and not to press this Bill because there is no urgency at all. When there was an urgency, you had asked for an Ordinance and the President promulgated that Ordinance and the purpose is over. Now, when you are making it as a law, I think a rethinking is necessary on two counts. One is, we are discussing the electoral reforms. That will give an opportunity to relook at this item also. Number two, we are entering into a dangerous arena wherein we are involving the staff or the officials who have affiliated themselves to various political parties. This is a dangerous signal. So, I think there is no urgency for this Bill. I request the hon. Minister to withdraw the Bill and come before the House with a comprehensive Electoral Reforms Bill where in we can discuss the whole gamut of election laws. Thank you, Sir.

MESSAGE FROM THE LOK SABHA

Parliamentary Committee to review rate of dividend payable by Indian Railways to General Revenues

SECRETARY-GENERAL: Sir, I have to report to the House the following message received from the Lok Sabha signed by the Secretary General of the Lok Sabha:

> **"I am directed to inform you that Lok Sabha, at its sitting held on Tuesday, the 2nd June, 1998, adopted the following resolution:—**
>
> "That this House do recommend to the Rajya Sabha to agree to associate six members from Rajya Sabha with the Parliamentary Committee to review the Rate of Dividend which is at present payable by the Indian Railways to the General Revenues as well as other ancillary matters in connection with Railway Finance *vis-a-vis* the General Finance and to make recommendations thereon, and to communicate the names of the members so appointed to this House."

2. I am to request that the concurrence of Rajya Sabha in the said resolution, and also the names of the members of Rajya Sabha so appointed, may be communicated to this House."

I. STATUTORY RESOLUTION SEEKING DISAPPROVAL OF THE REPRESENTATION OF THE PEOPLE (AMENDMENT) ORDINANCE, 1998

II. THE REPRESENTATION OF THE PEOPLE (AMENDMDNT) BILL, 1998—*Contd.*

SHRI S. RAMACHANDRAN PILLAI (Kerala): Mr. Vice-Chairman, Sir, I do not oppose this Bill. I agree with the objectives of this Bill. Such a provision was necessary because on many